

April 21, 1975

PRESIDENT: No other lights. Senator Cavanaugh, do you want to respond?

SENATOR CAVANAUGH: I will ask Senator Barnett some questions, then.

PRESIDENT: Well, let's limit it now because we don't have debate. Make it quite concise, would you, Senator? Senator Barnett, could you...?

SENATOR CAVANAUGH: In Section 3, it says, the party should be advised that any information given by a party during informal adjustment shall be inadmissible in any adjudication during the criminal proceeding prior to conviction and they may withdraw from the adjustment process at any time. Well, it would seem to me that anybody that ever got into Juvenile Court would sure like to try the informal adjustment, lay out their case and then withdraw from informal adjustment. Then you would never be able to prosecute them. It seems like a heck of a problem to me, if I were a County Attorney.

SENATOR BARNETT: The only answer I'd have, I am wondering if it would be up to the court to decide at that time.

SENATOR CAVANAUGH: Not according to the statute, it would be up to the statute to decide. That is what the statute says.

SENATOR BARNETT: Do you understand what he is saying, Senator Luedtke.

PRESIDENT: Just a moment.

SENATOR BARNETT: I yield to Senator Luedtke because he can answer your questions.

PRESIDENT: You can't yield because Senator Cavanaugh is closing. Would you want to address your question to Senator Luedtke?

SENATOR CAVANAUGH: I will address the same question to Senator Luedtke.

SENATOR LUEDTKE: Mr. President, members of the Legislature, the answer was debated the last time we debated it or answered and that is, this is a procedure which would only be used in the few cases where there would be very likely not be adjudication. The purpose of the bill is to clear up court congestion and to take the very minor cases, and there are many minor cases, as Senator Cavanaugh knows, that comes before the Juvenile Court. Only those cases would be brought up and I would think that it would be a very good devise, that if the County Attorney and the Judge and all parties concerned felt that they should go to this type of pre-adjudication hearing, then they shouldn't be able to use that against that individual. That individual has done the same as under some of our criminal laws where the person throws himself on the mercy of the court by being helpful, by telling them what he knows and when he knows something and he says, I am going to tell you, so we go into this type of an adjudication, you shouldn't be